

REMARKS

Claims 1-19 were pending before the examiner. The examiner has rejected all of the claims. Claims 14-16 have been deleted, no claims have been added. The independent claims, as well as numerous other claims, have been amended to more clearly define the invention. No new matter has been added as these amendments are fully supported by the specification and drawings as originally filed. Now pending before the examiner are claims 1-13 and 17-19 as amended.

The examiner has rejected claims 1-19 under 35 U.S.C. 103(a) citing the Thomas patent in view of the Barney patent. The examiner identifies citations within both references relative to each point within the independent claims.

Unfortunately, the examiner has failed to appreciate the present invention; this fact is illustrated by the very references that the examiner has chosen. The references used by the examiner, Thomas and Barney, are fundamentally "search engines" ("search engine", Thomas, Abstract, line 1: "search agent", Barney, col. 1, line 8-9). "Search Engines" are well known and are well accepted on the Internet. Universally they operate in the same general manner, a keyword(s) is presented to the searching computer, and sites on the Internet, which have been previously sorted based upon keywords by the searching computer, and sites having these keyword(s) are displayed to the user by the searching computer. While there may be some differences in the display and communication capability, all search engines work this way and those of ordinary skill in the art readily recognize this fact.

Thomas and Barney do nothing to change this operation:

"The system includes a Web server for receiving search request and criteria form users on a Web client and server for searching the Internet for URL's that contain contents matching the search criteria,..." (Thomas, Abstract, lines 7-11)

“The method involves receiving search criteria from a user... Then a search of the Internet... is done for uniform resource locators.... that specify sites which contain contents matching the search criteria.”

(Thomas, Col. 2, lines 16-23)

“The online monitoring system of the present invention includes a Web server for receiving search criteria, search setup, and management input... for searching the Internet... for URL's that contain contents matching the search criteria to thereby compile a list of offending URL's” (Thomas, Col. 2, lines 36-43)

“... the present invention provides an intelligent agent capable of traversing sites in a computer network to identify intellectual property (IP) infringement...” (Barney, col. 1, lines 60-62)

“The present invention therefore introduces the broad concept of an agent that is directed to specific sites in a computer network, such as the Internet, and that compares data at those sites with certain IP indicia to determine whether the data are similar.” (Barney, col. 2, lines 5-10)

“In one embodiment of the present invention, the IP indicia are selected from the group consisting of: (1) patent keywords, (2) filenames, (3) wordmarks,, (4) logo images and (5) copyright textual passages.”

(Barney, col. 2, lines 43-46)

It is important to note that in both Thomas and Barney, the searching and the reporting is done by the computer. Within the references, a single user is employed simply to establish the search parameters while the computer does the laborious task for moving through the multitude of websites; anything else is nonsensical to either Thomas or Barney, and, for that matter, the entire industry.

This position, using a computer to do the heavy lifting, is a fundamental concept for all search engines, and it stands in stark contrast to the present invention which employs a human user to identify and report the sought after

material:

“c) a searching computer having a unique user indicia contained therein, said searching computer, in response to directions from a user of said searching computer, programmed to obtain data originating from a host computer with an associated host address and communicate the unique host address and said unique user indicia via said communication network to a remote computer “ (Claim 1, amended lines 5-8, underline added ; similar language in independent claims 8 and 13)

Neither Thomas nor Barney have the user doing anything more than providing the search engine with the parameters for the search. For this reason, neither Thomas nor Barney contemplate the present invention's operation that is done to see that the reported site has not been previously reported:

“...B) if said inquiry address does not correspond to any address within said data base,

- 1) store said inquiry address in said data base, and,
- 2) provide a reward to a user associated with said user identification,...” (Claim 1, amended, lines 16-19, underline added, similar language in claims 8 and 13)

Both concepts, having a human search, and checking to see that the site has not been previously reported, are not only alien to Thomas and Barney, but, further, these concepts eliminate the very soul of the Thomas and Barney inventions, to make it easy for the user.

Still further, since Thomas and Barney use a computer to do the actual searching and reporting, there is no need for them to provide a reward as is described in claims 1-4, 8-11, and 13. You don't reward a computer with cash!

The present invention recognizes that by using a “human browser”, better results can be obtained. Thomas and Barney teach away from this concept.

Amendment A
Serial No. 10/773,857
Page 10

Based upon the above, it is respectfully submitted that claims 1-19 are not taught or suggested by either Thomas or Barney, whether taken singly or in combination.

No other known prior art is capable of curing the problems already noted.

Based upon the above, it is respectfully submitted that claims 1-19, as now amended, are allowable and should be advanced to issuance.

Respectfully Submitted,



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CERTIFICATE OF MAILING (37 CFR 1.8)

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